

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTEN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CASE NO. 1:21 CV 00305-MR-WCM**

BRO T. HESED-EL,	)	
	)	
Plaintiff,	)	<b>MOTIONS TO DISMISS</b>
	)	<b>AMENDED COMPLAINT BY</b>
vs.	)	<b>DEFENDANTS ROBIN BRYSON</b>
	)	<b>MISSION HOSPITAL, INC. AND</b>
	)	<b>ANC HEALTHCARE, INC.</b>
ROBIN BRYSON, et. al.,	)	
	)	
Defendant.	)	

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NOW COME DEFENDANTS Robin Bryson (“Bryson”), Mission Hospital, Inc. (“Mission”), and ANC Healthcare, Inc. (“ANC”) pursuant to Rules 10(a), 12(b)(1), 12(b)(6) and 41(b) of the Federal Rules of Civil Procedure, 28 USC §1332, and NCGS §1A-1 Rule 9(j), and move the Court to dismiss the following claims against them:

- (i) All claims against all Defendants should be dismissed pursuant to 28 USC §1332, 12(b)(1), Rule 12(b)(6) and Rule 41(b) for the Amended Complaint’s failure to allege the complete diversity or any other basis for subject matter jurisdiction;
- (ii) All claims against all Defendants should be dismissed pursuant to Rule 10(a), Rule 12(b)(6) and Rule 41(b), for the Amended Complaint’s

failure to name all known parties and for the Plaintiff's repeated failure to comply with these Rules and the Orders of this Court;

- (iii) To the extent not otherwise dismissed, all claims against Defendant ANC should be dismissed pursuant to Rule 12(b)(6) and Rule 41(b), for the reason that the pleadings demonstrate that said claims have been first asserted beyond the applicable statutes of limitation;
- (iv) To the extent not otherwise dismissed, the claims against all Defendants for negligent or intentional infliction of emotional distress should be dismissed pursuant to Rule 12(b)(6) and Rule 41(b) for the failure to state claims upon which relief may be granted; and
- (v) To the extent not otherwise dismissed, all claims against all Defendants should be dismissed pursuant to Rule 12(b)(6), Rule 41(b) and NCGS 1A-1 Rule 9(j) for the failure to timely state a claim upon which relief may be granted.

WHEREFORE, Defendants Robin Bryson, Mission Hospital, Inc. and ANC Healthcare, Inc. move to dismiss Plaintiff's Amended Complaint in its entirety, or so much thereof as the Court determines appropriate.

Respectfully submitted this the 18<sup>th</sup> day of March, 2022.

/ s/ Richard S. Daniels

N.C. Bar No. 8716

*Attorney for Defendants Robin Bryson,  
Mission Hospital, Inc. and ANC  
Healthcare, Inc.*

Patha, Straus, Robinson & Moore, P.A.

Post Office Box 7625

Asheville, North Carolina 28802

Telephone: (828) 255-7641

Facsimile: (828) 258-9222

rsd@psrmlaw.com (email)

### **CERTIFICATE OF SERVICE**

I hereby certify that on March 18, 2022, I served the foregoing *Motions to Dismiss Amended Complaint by Defendants Robin Bryson, Mission Hospital, Inc. and ANC Healthcare, Inc.* by electronically filing same with the Clerk of Court using the CM/ECF system and by depositing a copy, contained in a first-class postage-paid wrapper, into a depository under the exclusive care and custody of the United States Postal Service, addressed as follows:

**Bro. T. Hesed-El  
c/o Taqi El Agabey Mgmt.  
30 N. Gould Street, Suite R  
Sheridan, WY 82801**

A courtesy copy will also be sent via email, at Plaintiff's request, to:  
[teamwork3@gmail.com](mailto:teamwork3@gmail.com).

This the 18<sup>th</sup> day of March, 2022.

/ s/ Richard S. Daniels

N.C. Bar No. 8716

*Attorney for Defendants Robin Bryson,  
Mission Hospital, Inc. and ANC  
Healthcare, Inc.*

Patha, Straus, Robinson & Moore, P.A.

Post Office Box 7625

Asheville, North Carolina 28802

Telephone: (828) 255-7641

Facsimile: (828) 258-9222

[rsd@psrmlaw.com](mailto:rsd@psrmlaw.com) (email)